

IN THE UTAH COURT OF APPEALS

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| Melvin J. Hunt,               | ) | MEMORANDUM DECISION   |
|                               | ) | (Not For Official Publication)  |
| Plaintiff and Appellant,      | ) |   |
|                               | ) | Case No. 20041068-CA  |
| v.                            | ) |   |
|                               | ) |   |
| Albert E. Hunt, Zera A. Hunt, | ) | F I L E D   |
| and Douglas J. Hanks,         | ) | (April 6, 2006)   |
|                               | ) |   |
| Defendants and Appellees.     | ) | <div style="border: 1px solid black; padding: 2px;">2006 UT App 133</div> |

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Fourth District, Provo Department, 020400556  
The Honorable Gary D. Stott

Attorneys: Mark D. Stubbs and Victoria L. Romney, Provo, for  
Appellant  
Albert E. Hunt, Bountiful, Zera A. Hunt, South  
Jordan, and Douglas J. Hanks, Centerville, Appellees  
Pro Se

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Before Judges Billings, Davis, and McHugh.

McHUGH, Judge:

Melvin J. Hunt (Melvin) appeals a bench trial ruling denying his request for judicial dissolution of Gold Stream Corporation (Gold Stream). Melvin asserts that the trial court erred when it failed to find that Douglas J. Hanks, Albert E. Hunt, and Zera A. Hunt (collectively, the Appellees) improperly dissolved Gold Stream by transferring all of the corporate assets to Hanks. Melvin also claims that the trial court erred by insufficiently setting forth its findings of fact and conclusions of law. We affirm.

The trial court ruled in favor of the Appellees and entered findings and conclusions. After setting forth a terse factual background, the trial court ruled that the four patented mining claims were properly transferred to Hanks for obligations Gold Stream owed Hanks. The court further concluded that Melvin failed to prove by a preponderance of evidence that he was entitled to judicial dissolution.

Rule 52(a) of the Utah Rules of Civil Procedure provides: "In all actions tried upon the facts without a jury . . . , the court shall find the facts specially and state separately its

conclusions of law thereon . . . ." Utah R. Civ. P. 52(a). "The findings of fact must show that the court's judgment or decree follows logically from, and is supported by, the evidence." Acton v. J.B. Deliran, 737 P.2d 996, 999 (Utah 1987) (quotations and citation omitted). Moreover, the findings must be "sufficiently detailed and include enough subsidiary facts to disclose the steps by which the ultimate conclusion on each factual issue was reached." Id. (quotations and citations omitted). A trial court, however, "need not resolve every conflicting evidentiary issue" or "negate allegations in its findings of fact." Sampson v. Richins, 770 P.2d 998, 1003 (Utah Ct. App. 1989) (quotations and citation omitted).

The findings of fact and conclusions of law entered by the court in this case are inadequate because they do not resolve all of the material, disputed facts necessary to conclude that the transfer was proper and that Melvin failed to prove his claim. However, we determine that this error is not reversible. See Kinkella v. Baugh, 660 P.2d 233, 236 (Utah 1983). The failure of a trial court to enter adequate findings or conclusions is not reversible where it "would be reasonable to assume that the court actually made [adequate] findings." State v. Ramirez, 817 P.2d 774, 787 n.6 (Utah 1991) (citing Mower v. McCarthy, 122 Utah 1, 245 P.2d 224, 226 (1952)).

An assumption of adequate findings is reasonable here. Because the trial court ruled that the transfer of the assets was proper, we can assume the trial court found the necessary facts and concluded that all of the events leading up to the transfer took place in accordance with the law. Further, because the trial court denied judicial dissolution, it is reasonable to assume the trial court likewise ruled that the corporation was properly dissolved. Therefore, the trial court's failure to enter sufficient findings and conclusions, although unfortunate, does not mandate reversal.

Affirmed.

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Carolyn B. McHugh, Judge

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WE CONCUR:

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Judith M. Billings, Judge

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James Z. Davis, Judge